

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00326-03

JOSEPH JAMES SALMONS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 7, 2019, the United States of America appeared by J. Matthew Davis, Assistant United States Attorney, and the defendant, Joseph James Salmons, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Jeffrey D. Bella. The defendant commenced a 27-month term of supervised release in this action on May 28, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on April 5, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on May 31, 2018, for methamphetamine, the defendant having signed a voluntary admission form confirming that he used methamphetamine on May 29, 2018; and a positive urine specimen submitted by him on January 29, 2019, for methamphetamine and heroin, the defendant having signed a voluntary admission form confirming his use of the substances; and (2) the defendant failed to abide by the special condition that he participate in, and successfully complete, a residential drug treatment program for a minimum of eight months inasmuch as he entered the Lifehouse substance abuse treatment program on May 29, 2018, and left of his own accord on May 30, 2018, at which time he was discharged from the program; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of

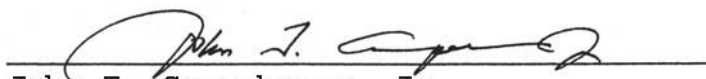
supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 11, 2019


John T. Copenhaver, Jr.
Senior United States District Judge